

## TENTATIVE MAP PERMIT

<b>FILE NO.</b>	<b>T14-040</b>
<b>LOCATION OF PROPERTY</b>	<b>Southeast corner of Almaden Road and Timbercrest Drive (6468 Almaden Road)</b>
<b>ZONING DISTRICT</b>	<b>R-1-8 Single-Family Residence</b>
<b>GENERAL PLAN DESIGNATION</b>	<b>Residential Neighborhood</b>
<b>PURPOSE OF MAP</b>	<b>To subdivide on parcel into 8 lots</b>
<b>TITLE OF MAP</b>	<b>Tentative Tract Map T14-040, drawn September 10, 2014</b>
<b>ENVIRONMENTAL STATUS</b>	<b>Mitigated Negative Declaration</b>
<b>ENGINEER</b>	<b>Joel Francis Ricca Bowman and Williams 1011 Cedar Street Santa Cruz, CA 95060</b>
<b>APPLICANT</b>	<b>Mark Garcia MHG Builder and Consulting, Inv. 11501 Dublin Boulevard Dublin, CA 94568</b>
<b>OWNER</b>	<b>Kathy Meister 6468 Almaden Road San Jose, CA 9520</b>

The Director of Planning, Building, and Code Enforcement determines, concludes, and finds as follows for this proposed subdivision:

1. **Site Description and Surrounding Uses.** The 1.5 gross acre site is located on the southeast corner of Almaden Road and Timbercrest Drive. This site is developed with the historic Ruben Baker Ranch House and three sheds, a water tower, and detached garage. Resolution No. 63999 deemed the ranch house and tank house as the buildings of historic significance on this site. The property is adjacent to Single-Family Residences to the east and south, commercial uses to the west, and a vacant paved lot to the north.
2. **Project Description.** This is a tentative Map Permit to subdivide one parcels into eight lots for eight single-family residences, one of which is the existing historic Ruben Baker Ranch House.
3. **General Plan Conformance.** The subject site has an Envision San José 2040 General Plan Land Use/Transportation Diagram designation of Residential Neighborhood. The proposed use is consistent with the Residential Neighborhood designation in that the proposed density of the project site conforms to the density requirements of this General Plan designation. The Project is consistent with the General Plan in that:

- a. Land Use Policy LU-11.2 supports the subdivision of residential lots if the new lots reflect the established pattern of development in the immediate area, including lot sizes and street frontages. The proposed subdivision of land will create eight new lots that match the character and pattern of the existing neighborhood. As such, this proposed Tentative Map conforms to this General Plan designation.

4. **Subdivision Map Act Findings.** In accordance with Section 66474 of the Government Code of the State of California, the Director of Planning of the City of San José, in consideration of the proposed subdivision shown on the Tentative Map with the imposed conditions, shall deny approval of a tentative map, if it makes any of the following findings:

- a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- c. That the site is not physically suitable for the type of development.
- d. That the site is not physically suitable for the proposed density of development.
- e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

*Based on review of the proposed subdivision, the Director of Planning of the City of San José does not make any such findings to deny the subject subdivision.*

5. **Environmental Review.** The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.

- a. An Exemption was prepared by the Director of Planning, Building, and Code Enforcement for this project. This Exemption was approved on January 28, 2015.

In accordance with the findings set forth above, a Tentative Map Permit for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

**APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **Acceptance of Permit.** Per Section 19.12.230 of the Subdivision Ordinance, should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:

- a. Acceptance of the Permit by the applicant; and
  - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 19 applicable to such Permit.
2. **Improvements.** Pursuant to the Subdivision Agreement (hereinafter referred to as "Agreement"), the Subdivider shall, before approval and recording of the Final Map, improve or agree to improve all land within the subdivision and all land outside, but appurtenant to, the Subdivision shown on the Tentative Map for public or private streets, alleys, pedestrian ways and easements to the satisfaction of the Director of Public Works.
  3. **Improvement Contract.** In the event subdivider has not completed the improvements required for his proposed subdivision at the time the Final Map is presented for approval, subdivider shall enter into an improvement contract pursuant to Agreement with the City of San José, in accordance with Section 19.32.130 of the San José Municipal Code, and provide the bonds and insurance mentioned therein.
  4. **Public Use Easements.** Subdivider shall dedicate on the Final Map for public use easements for public utilities, streets, pedestrian ways, alleys, street lighting, sanitary sewers, drainage, flood control channels, water systems and slope easements in and upon all areas within the subdivision shown on the Tentative Map for the subdivision to be devoted to such purposes.
  5. **Conveyance of Easements.** Subdivider shall convey or cause to be conveyed to the City of San José, easements in and upon all areas as shown on the Tentative Map outside the boundaries of, but appurtenant to, the subdivision. Should a separate instrument be required for the conveyance of the easement(s), it shall be recorded prior to the recordation of the Final Map. Such easements so conveyed shall be shown on the Final Map, together with reference to the Book and Page in the Official Recorder of Santa Clara County, where each instrument conveying such easements is recorded.
  6. **Final Map.** No Final Map or Tract Map shall be approved by City Council unless and until the appeal period for the development permit, City File No. T14-040 has expired and all appeals have been exhausted.
  7. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
  8. **Distribution Facilities.** Subdivider shall, at no cost to the City, cause all new or replacement electricity distribution facilities (up to 40KV), telephone, community cable, and other distribution facilities located on the subject property to be placed underground.

9. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following:  
<http://www.sanjoseca.gov/index.aspx?nid=2246>.
- a. *Construction Agreement:* The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
  - b. *Transportation:* This project is exempt from the Level of Service (LOS) Policy, and no further LOS analysis is required because the project proposes less than 15 units of Single Family detached.
  - c. *Storm Drain Easement Vacation:* A Storm Drain Easement (SDE) vacation is required in order to accomplish the land use plan as shown. The easement vacation process requires further discretionary approval by the City Council and the project will be subject to this process prior to Public Works Clearance.
  - d. *Grading/Geology:*
    - i. A grading permit is required prior to the issuance of a Public Works Clearance.
    - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2010 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10 year storm event.
    - iii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
    - iv. Because this project involves a land disturbance more than one acre, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
    - v. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.



- e. *Stormwater Runoff Pollution Control Measures:* This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
  - i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
  - ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
  - iii. A design of the pervious pavement by a Licensed Geotechnical Engineer shall be submitted prior to the issuance of a Public Works Clearance.
- f. *Stormwater Peak Flow Control Measures:* The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
- g. *Flood: Zone D:* The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.
- h. *Sewage Fees:* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- i. *Parks:* This residential project is subject to the payment of park fees in-lieu of land dedication under either the requirements of the City's Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code). Based on the 2014-2015 fee schedule the estimate parkland fee would be \$101,500.
- j. *Street Improvements:*
  - i. Construct an offset cul-de-sac bulb at the terminus of Ramblewood Drive. A 30' wide radius may be considered with a variance from the Fire Department. If a variance is not granted by the Fire Department then the project will be required to submit for a new Tentative Map with a cul-de-sac design that would be acceptable to the Fire Department per applicable adopted Fire Codes.
  - ii. Relocate and upsize the existing 12" storm main from Ramblewood Drive to Timber Crest Drive to a 15" storm main. A new 10' wide SDE will need to be recorded for this facility since it will be on private property.
  - iii. Extend the existing 6" sanitary main on Timber Crest Drive southerly to the Almaden Road project frontage.
  - iv. Construct curb, gutter, a 6.5' wide park strip with street trees, a 4.5' wide sidewalk and a 0.5' clear area behind the back of walk along the Almaden Road and the Timber Crest Drive Frontages.
  - v. Construct curb, gutter with a 4' landscape strip, a 4.5' detached sidewalk and a 0.5' clear area behind the back of walk along the Ramblewood Street frontage.
  - vi. Provide a City Standard R-11 accessible ramp at the corner of Timber Crest Drive and Almaden Road.

- vii. Proposed driveway widths shall be 16'.
- viii. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
- ix. Repair, overlay, or reconstruction of asphalt pavement will be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
- k. *Electrical:* Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
- l. *Street Trees:* The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in a park strip. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.

## 10. Environmental Conditions

- a. *Noise.*
  - i. The project would include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis would base required noise attenuation techniques on expected General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this project. A design-level acoustical analysis would be completed at the building permit stage as a routine step, in conformance with the Building Code, to document the noise attenuation measures necessary to reduce interior noise to 45 dBA DNL or lower prior to the issuance of building permits.
  - ii. The project would minimize vibration impacts to adjacent uses during demolition and construction by restricting vibratory compactors to have a minimum setback of 50 feet from any structures. A vibration limit of 0.20 in/sec PPV would be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.
  - iii. Construction shall be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
  - iv. The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.

- v. The unnecessary idling of internal combustion engines shall be prohibited.
- vi. Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet).
- vii. The surrounding neighborhood shall be notified early and frequently of the construction activities.
- viii. A “noise disturbance coordinator” shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

b. *Air Quality*

- i. All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.
- ii. Apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
- iii. Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials shall be covered.
- iv. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- v. Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for 10 days or more.
- vi. Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- vii. Replanting of vegetation in disturbed areas as soon as possible after completion of construction.
- viii. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
- ix. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- x. Post a publicly visible sign with the telephone number and person to contact at the City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations.

- c. *Water Quality.* Consistent with the General Plan, standard permit conditions that shall be implemented to prevent stormwater pollution and minimize potential sedimentation during construction include, but are not limited to the following:
  - i. Utilize on-site sediment control BMPs to retain sediment on the project site;
  - ii. Utilize stabilized construction entrances and/or wash racks;
  - iii. Implement damp street sweeping;
  - iv. Provide temporary cover of disturbed surfaces to help control erosion during construction; and
  - v. Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

11. **Expiration of Permit.** This Tentative Map shall automatically expire 48 months from and after the date of issuance hereof by the Director of Planning of the City of San José. The date of issuance is the date this Permit is approved by the Director of Planning.

12. **Revocation.** This Tentative Map Permit may be revoked, suspended or modified by the Planning Director, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Tentative Map Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates a nuisance.

**APPROVED** and issued this on the **18<sup>th</sup>** day of **March, 2015**.

Harry Freitas, Director  
Planning, Building and Code Enforcement

Deputy